

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

Ophelia Azriel De'lonta,
Plaintiff,

v.

Harold W. Clarke, *et al.*,
Defendants.

Civil Action No. 7:11-cv-00257

**STIPULATION AND ORDER REGARDING
PLAINTIFF'S SECOND AMENDED COMPLAINT**

WHEREAS Plaintiff Ophelia Azriel De'lonta filed her *pro se* Complaint in the above captioned-matter on June 3, 2011;

WHEREAS Plaintiff, by and through her attorneys, filed her First Amended Complaint in the above-captioned matter on May 3, 2013;

WHEREAS Plaintiff has identified information in the course of discovery that she contends support a claim for damages against Defendant Meredith R. Cary, M.D.,

WHEREAS Defendants maintain the position that no damages claim should lie against Defendant Cary or any Defendant, but consent to Plaintiff's amendment of her First Amended Complaint in light of the development of the factual record;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the Parties, that, pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiff will file a Second Amended Complaint, and that Defendants consent to the filing of Plaintiff's Second Amended Complaint subject to the following terms and conditions:

(1) The Second Amended complaint will be amended only to add a claim for damages against Defendant Meredith R. Cary, M.D. to the Prayer for Relief;

(2) Defendants expressly reserve all rights to contest Plaintiff's entitlement to the additional relief sought in the Second Amended Complaint.

(3) Because the Second Amended Complaint amends only the Prayer for Relief and contains no new factual allegations, Defendants' Answer to the First Amended Complaint will be deemed responsive to the Second Amended Complaint

The Second Amended Complaint is attached hereto as Exhibit 1, and should be entered on the docket upon entry of this Stipulation and Order. Attached as Exhibit 2 is a redline of Plaintiff's Second Amended Complaint indicating how it differs from Plaintiff's First Amended Complaint.

DATED this 27th day of January, 2014.

By: /s/ Don Bradford Hardin, Jr.
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Counsel for Defendants

SO ORDERED:

The Honorable James C. Turk
Senior United States District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of January, 2014, a true and correct copy of the foregoing Stipulation and Order Regarding Plaintiff's Second Amended Complaint, and the exhibits thereto, were electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all Counsel of Record.

By: /s/ Don Bradford Hardin, Jr.
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